



[4910-13-P]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2011-1342; Directorate Identifier 2011-CE-038-AD]

RIN 2120-AA64

Airworthiness Directives; DG Flugzeugbau GmbH Sailplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Supplemental notice of proposed rulemaking (NPRM); extension of the comment period.

SUMMARY: We are revising an earlier NPRM for DG Flugzeugbau GmbH DG-500 Elan series sailplanes and Models DG-500M and DG-500MB powered sailplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as incorrect re-installation of the rear cockpit securing rope for the headrest of the rear seat during maintenance, which could cause the rear seat to interfere with the control stick of the sailplane. We are issuing this proposed AD to require actions to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]

ADDRESSES: You may send comments by any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: (202) 493-2251.

- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, DG Flugzeugbau GmbH, Otto-Lilienthal-Weg 2, 76646 Bruchsal, Federal Republic of Germany; telephone: +49 (0) 7251 3020140; fax: +49 (0) 7251 3020149; Internet: <http://www.dg-flugzeugbau.de/tech-mitteilungen-e.html>; email: dirks@dg-flugzeugbau.de. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA-2011-1342; Directorate Identifier 2011-CE-038-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the *Federal Register* on December 7, 2011 (76 FR 76330). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM (76 FR 76330, December 7, 2011) was issued, we determined that all affected Model DG-500 Elan sailplanes were not included in the Applicability section.

Relevant Service Information

DG Flugzeugbau GmbH has issued Technical Note No. 500/05, dated September 19, 2011, and Working Instruction No. 1 for TN348/20, Issue 3, dated September 13, 2011. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier NPRM (76 FR 76330, December 7, 2011). As a result, we have determined that it is necessary to extend the comment period to provide additional opportunity for the public to comment on the proposed AD.

Costs of Compliance

We estimate that this proposed AD will affect 16 products of U.S. registry. We also estimate that it would take about 2.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$1,088 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be \$20,808, or \$1,300.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 0.5 work-hour, for a cost of \$42.50 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39 - AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

DG Flugzeugbau GmbH: Docket No. Docket No. FAA-2011-1342; Directorate Identifier 2011-CE-038-AD.

(a) Comments Due Date

We must receive comments by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

(b) Affected ADs

None.

(c) Applicability

This AD applies to DG Flugzeugbau GmbH Models DG-500 Elan Orion, DG-500 Elan Trainer, DG-500/20 Elan, and DG-500/22 Elan sailplanes and Models DG-500M and DG-500MB powered sailplanes, all serial numbers, that are:

- (i) equipped with a headrest on the rear seat; and
- (ii) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 25: Equipment/Furnishing.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as incorrect re-installation of the rear cockpit securing rope for the headrest of the rear seat during maintenance. We are issuing this AD to correct the length of the rear cockpit headrest securing rope, which if too long, could cause the rear seat to interfere with the

control stick of the sailplane and could result in loss of control of the sailplane.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) Within the next 30 days after the effective date of this AD, inspect the rear cockpit headrest securing rope to determine the length. Do the inspection as specified in Instruction No. 2 of DG Flugzeugbau GmbH Technical Note No. 500/05, dated September 19, 2011.

(i) If the length of the rear cockpit headrest securing rope is more than 450 millimeters (mm) or less than 400 mm, before further flight, adjust the length of the rear cockpit headrest securing rope to a length between 400 mm and 450 mm as shown in Sketch 2 of DG Flugzeugbau GmbH Working Instruction No. 1 for TN348/20, Issue 3, dated September 13, 2011. After doing the adjustment, do the action required in paragraph (f)(2) of this AD.

(ii) If the length of the rear cockpit headrest securing rope is between 400 mm and 450 mm, do the action required in paragraph (f)(2) of this AD.

(2) Within 3 months after the effective date of this AD, replace the rear cockpit headrest securing rope with a rear cockpit headrest securing rope with a snap hook. Do the replacement following DG Flugzeugbau GmbH Working Instruction No. 1 for TN348/20, Issue 3, dated September 13, 2011, as specified in Instruction No. 3 of DG Flugzeugbau GmbH Technical Note No. 500/05, dated September 19, 2011.

(3) Replacement of the rear cockpit headrest securing rope with a rear cockpit headrest securing rope with a snap hook done before the effective date of this AD following DG Flugzeugbau GmbH Working Instruction No. 1 for TN348/20, Issue 2, is considered acceptable for compliance with paragraph (f)(2) of this AD.

(4) Although the European Aviation Safety Agency (EASA) MCAI and DG Flugzeugbau GmbH Technical Note No. 500/05, dated September 19, 2011, allows the inspection required in paragraph (f)(1) of this AD to be done by a pilot-owner, the U.S. regulatory system requires all actions required by this AD be done by a certified mechanic.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) **Alternative Methods of Compliance (AMOCs):** The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4165; fax: (816) 329-4090; email: jim.rutherford@faa.gov. Before using any approved AMOC on any sailplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) **Airworthy Product:** For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response,

including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES-200.

(h) Related Information

Refer to MCAI EASA AD No.: 2011-0191, dated September 30, 2011; DG Flugzeugbau GmbH Technical Note No. 500/05, dated September 19, 2011; and DG Flugzeugbau GmbH Working Instruction No. 1 for TN348/20, Issue 3, dated September 13, 2011, for related information. For service information related to this AD, contact DG Flugzeugbau GmbH, Otto-Lilienthal-Weg 2, 76646 Bruchsal, Federal Republic of Germany; telephone: +49 (0) 7251 3020140; fax: +49 (0) 7251 3020149; Internet: <http://www.dg-flugzeugbau.de/tech-mitteilungen-e.html>; email: dirks@dg-flugzeugbau.de. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. Issued in Kansas City, Missouri, on January 10, 2012.

John Colomy,
Acting Manager, Small Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 2012-745 Filed 01/13/2012 at 8:45 am; Publication Date: 01/17/2012]